

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

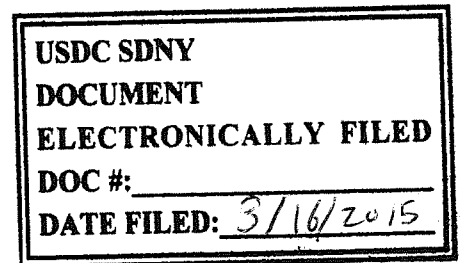
AMERICAN CIVIL LIBERTIES UNION, and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY,
CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF DEFENSE,
DEPARTMENT OF JUSTICE, and
DEPARTMENT OF STATE,

Defendants.



13 Civ. 9198 (AT)

STIPULATION AND ORDER REGARDING
NSD DOCUMENT SEARCHES AND PRODUCTION

WHEREAS, on May 13, 2013, Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (together, "Plaintiffs") made requests (the "First Request") pursuant to the Freedom of Information Act ("FOIA") to the above-captioned government agencies and components thereof (collectively, "Defendants"), including, as relevant here, the Department of Justice's National Security Division ("NSD"), relating to Executive Order ("EO") 12,333, and activities undertaken pursuant to that authority;

WHEREAS, on December 30, 2013, Plaintiffs filed a complaint in the instant action against Defendants, including the Department of Justice, seeking to compel Defendants to process the First Request and to release all responsive records;

WHEREAS, on May 12, 2014, the Court entered a stipulated order, pursuant to which NSD agreed to “search for and process all documents responsive to the original FOIA Request submitted to it by Plaintiffs;”

WHEREAS, on May 15, 2014, NSD responded by letter to the First Request and stated that it had no responsive records;

WHEREAS, on July 29, 2014, Plaintiffs filed a second FOIA request with NSD (the “Second Request”);

WHEREAS, on October 31, 2014, Plaintiffs filed a second amended complaint in this action with Defendants’ consent, adding the Second Request to the FOIA requests that are the subject of this action;

WHEREAS, on November 17, 2014, the Court granted the parties’ joint proposed scheduling order for NSD’s processing of the Second Request, ordering March 13, 2015, as the deadline for NSD to complete its production of documents in response to the Second Request;

AND WHEREAS, the parties have engaged in discussions in an attempt to reach agreement on the scope of searches that NSD will undertake and the timing of its response to the Second Request;

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows:

1. Date Limitations for Document Searches.
 - a. With respect to the categories of documents described in Paragraphs 1–3 of the Second Request, NSD will search for and process only documents that are currently in use or effect, or that were created or modified on or after September 11, 2001.

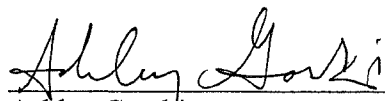
- b. With respect to the categories of documents described in Paragraph 4 of the Second Request, NSD will search for and process only documents that are currently in use or effect.
- c. With respect to the categories of documents described in Paragraph 5 of the Second Request, NSD will initially search for and process only documents created or modified on or after September 11, 2001; after the completion of NSD's production of these documents, the parties agree to continue their discussions regarding whether searches for documents created before September 11, 2001 will be undertaken, including whether conducting such searches would be unduly burdensome to NSD.

2. Document Production Deadlines. By May 1, 2015, NSD shall complete its processing of the Second Request and produce all documents, or portions thereof, it deems to be responsive and non-exempt. By March 13, 2015, NSD shall make an interim production that includes any documents for which it does not need to consult with other agencies.

3. Nothing in this Stipulation and Order, including the fact of its entry, should be taken as a concession by NSD that Plaintiffs have "substantially prevailed" in this action in whole or in part, as that term is used in 5 U.S.C. § 552(a)(4)(E).

Dated: New York, New York
March 12, 2015

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

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Dated: New Haven, Connecticut
March 13, 2015

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Counsel for Plaintiffs

Dated: New York, New York
March 13, 2015

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Counsel for Defendants

SO ORDERED:



ANALISA TORRES
United States District Judge

March 16, 2015

Date

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